

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
SEPTEMBER 17, 2019**

ITEM 8

SUBJECT

CONSIDERATION OF A PROPOSED ORDER AMENDING THE UNITED STATES BUREAU OF RECLAMATION'S WATER RIGHT PERMITS 11308 AND 11310 (APPLICATIONS 11331 AND 11332) FOR THE CACHUMA PROJECT TO PROTECT PUBLIC TRUST VALUES AND DOWNSTREAM WATER RIGHTS AND ACT ON A PETITION TO CHANGE THE PLACE AND PURPOSE OF USE OF THOSE PERMITS.

DISCUSSION

The State Water Resources Control Board (State Water Board or Board) held the Cachuma Project hearing on the U.S. Bureau of Reclamation's (Reclamation) Permits 11308 and 11310 (Permits) to receive testimony and evidence regarding whether and how to modify the Permits to: 1) protect public trust values and downstream water rights; and 2) act on a petition to change the place and purpose of use of the Permits. The draft order for the Cachuma Project was released for public comment on September 7, 2016. Based on nine comment letters, the Board released a revised draft order on March 27, 2019, for additional public comment. The proposed order includes minor changes to the March 27, 2019 revised draft order based on 11 timely comment letters received.

Based on the evidence in the hearing record, the State Water Board concludes in the proposed order that:

- a. Reclamation's petition for change in place of use and purpose of use under Permits 11308 and 11310 (Petition) will not result in any change to Cachuma Project operations and will not increase the amount of water that can be diverted from the Cachuma Project. Therefore, the proposed order approves the Petition.
- b. Higher flows in the lower mainstem of the Santa Ynez River are likely to benefit federally endangered steelhead trout by providing additional spawning and rearing habitat as well as increasing passage opportunities in the lower mainstem of the Santa Ynez River. The proposed order directs Reclamation to release additional water from Bradbury Dam and allows for adaptive management of increased flows to maximize the benefits to steelhead and avoid or minimize potential water supply impacts.
- c. Additional information (studies) is needed to determine all measures necessary to keep steelhead in good condition. Therefore, the proposed order directs Reclamation to conduct studies to identify and evaluate additional measures that may be necessary to keep fish in good condition below the dam.

- d. Operation of the Cachuma Project in accordance with the December 17, 2002 Settlement Agreement (Agreement) will protect senior downstream water right holders from injury due to changes in water quality or a reduction in the quantity of water available to serve prior rights. Therefore, the proposed order modifies Reclamation's Permits in accordance with the Agreement.
- e. A statement of overriding considerations is included in the proposed order as required by the California Environmental Quality Act.

POLICY ISSUE

Should the State Water Board adopt the proposed order?

FISCAL IMPACT

This activity is budgeted within existing resources and no additional fiscal demands will occur as a result of approving this item.

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed order.